IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

APPEAL NO.906 OF 2005
IN
SUMMONS FOR JUDGMENT NO.885 OF 2003
IN
SUMMARY SUIT NO.2664 OF 2003

M/s.Leela Estate, formerly known as Vora Estate & ors. .. Appellants

v/s.

Yadu Commercial Ltd. .. Respondent

Ms.Alpana Ghone i/by Mr.S.G.Lakhani for the appellants.

Ms.J.Sidhwa i/by Mr.Manoj Bhatt for the respondent.

CORAM : R.M.LODHA AND D.G.KARNIK, JJ.

DATED : 22nd December, 2005

P.C.

The learned counsel for the parties handed in the Minutes of the order, marked "X" for identification purposes. Minutes are signed by the authorised representatives of the parties as well as their advocates.

2. We are satisfied that the appeal as well as the suit be disposed of in terms of the minutes handed in. We order accordingly.

3. We clarify that further proceedings in the following cases under section 138 of the Negotiable Instruments Act shall not be proceeded with until the respondent notifies to the concerned court about the two defaults in payment of instalments or the last instalment as set out

in the minutes of the order:-

i) C.C.No.1630/S/99

ii) C.C.No.1631/S/99

iii) C.C.No.1632/S/99

iv) C.C.No.1633/S/99

v) C.C.No.2120/S/99

vi) C.C.No.2121/S/99

4. The undertaking given by the appellants in paragraphs 3 and 5 and the undertaking given by the respondent in paragraph 7 of the minutes of the order is accepted.

No costs.

(R.M. LODHA, J.)

(D.G. KARNIK, J.)